



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

FEB 14 2002

400 Seventh St., S.W.
Washington, D.C. 20590

Ms. Robin Eddy
Allied Universal Corporation
3901 N.W. 115th Avenue
Miami, FL 33178

Ref. No. 01-0173

Dear Ms. Eddy:

This is in response to your request for clarification of the requirements for accident damage protection for MC 312 cargo tank motor vehicles under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your questions are paraphrased and answered below.

Q1. Must MC 312 cargo tank motor vehicles conform to the accident damage protection requirements applicable to DOT 412 cargo tank motor vehicles in § 178.345-8 or to the requirements applicable to MC 312 cargo tank motor vehicles in § 178.340-8? Which requirements for rear-end protection apply?

A1. Accident damage protection devices on an MC 312 cargo tank motor vehicle may conform to either the DOT 412 specification or the MC 312 specification. Rear-end damage protection devices may conform to requirements in either § 178.346-8(d) or § 178.340-8(b).

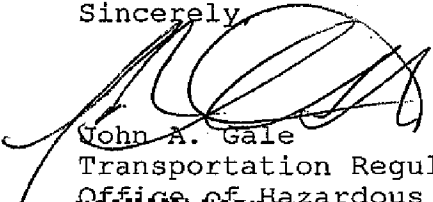
Q2. Clarify the difference, if any, between § 178.345-8(d)(2)(i) and § 178.340-8(b)(2)(ii)(A).

A2. Section 178.345-8(d)(2)(i) and § 178.340-8(b)(2)(ii)(A) are identical in meaning.

Q3. What does the wording "any part at the rear of the cargo tank motor vehicle which contains lading" in § 178.345-8(d)(2)(i) mean?

A3. The wording means that the bottom surface of the rear-end damage protection device must be at least 4 inches below the cargo tank or any valve, fitting, piping, or other appurtenance that contains lading while the cargo tank motor vehicle is moving in transportation.

Sincerely,


John A. Gale
Transportation Regulations Specialist
Office of Hazardous Materials Standards

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178.345-8



ALLIED UNIVERSAL CORP., 3901 N.W. 115th Avenue, Miami, Florida 33178

305-888-2623

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McIntyre
§178.345-8
Accident Damage Protection

01-0173

Mr. Edward Mazzullo
Director for Hazardous Materials Standards
U.S. Department of Transportation
400 Seventh Street, S.W., DHM-10
Washington, D.C. 20590-0001

July 6, 2001

Subject: Interpretation, Accident Damage Protection, Title 49 CFR §178.345-8 and 178.340-8

Dear Mr. Mazzullo:

After discussions with a Federal Motor Carrier enforcement officer, it has been decided that an interpretation is needed in order to resolve a problem regarding roadside inspections conducted in South Carolina by a South Carolina Department of Transportation enforcement officer.

Allied Universal Corp. contracts Transportation Services Unlimited, Inc. to transport our Sodium Hypochlorite product (UN1791, Hazard Class 8). This product is transported in either MC 312 or MC 412 cargo tankers, which are owned by Allied Universal Corp. The piping on the cargo tankers is heavy wall schedule 80 pvc pipe. During transit, no Sodium Hypochlorite material is contained in the piping system (appurtenances). In addition, the piping system in the back of the cargo tanker has two shut-off valves, one below the tanker (as seen in enclosed photograph A), but above the rear end protection, and another shut-off valve just inside the roll-over protection cage on the top of the cargo tanker.

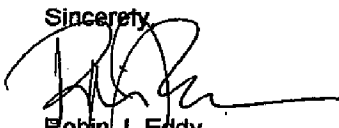
1. For the MC 312 cargo tankers, which regulation applies regarding rear-end protection: 49 CFR §178.345-8(d) or 49 CFR §178.340-8(b)? In particular, does §178.340-8(b)(2)(ii)(A) and (iii) apply or §178.345-8(d)(2)(i) and (3) for the MC 312 cargo tankers?
2. Regarding §178.345-8(d)(2)(i), when you state "...at least four inches below the lower surface of any part of the rear of the cargo tank motor vehicle which contains lading during transit...", do you mean lading in the cargo tanker or lading in the appurtenances? Please explain the difference or similarity between wording in §178.345-8(d)(2)(i) and §178.340-8(b)(2)(ii)(A).

Please see enclosed photographs B and C. The location of this piping is the area of confusion regarding the roadside inspections. A further clarification as requested in questions one and two would hopefully end the confusion and confirm whether or not the piping complies with your regulations for cargo tankers.

If you should have any questions, please call me at 800-437-8715, extension 183.

Thank you.

Sincerely,


Robin J. Eddy
Safety and Regulatory Compliance Manager
Allied Universal Corp.

cc: J. Palmer, COO/General Manager
R. Bunkley, N. Regional Operations Manager
T. Tucker, S. Regional Operations Manager

Priority Mail
Conf. Receipt

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